
**COMBINED DECLARATION AND POWER OF ATTORNEY
(PLANT PATENT APPLICATION)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought of the new and distinct variety of:

PEACH TREE, 'BURPEACHNINETEEN'.

The specification of which is attached hereto.

AVERMENT UNDER 37 C.F.R. SECTION 1.162

I have asexually reproduced the new and distinct variety.

The new and distinct variety was found in a cultivated area.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)

REGISTRATION NUMBER(S)

George G. Grigel

31,166

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

George G. Grigel
Wells St. John P.S.
601 West First Avenue
Suite 1300
Spokane, WA 99201
Customer Number 021567

DIRECT TELEPHONE CALLS TO:

George G. Grigel
509-624-4276

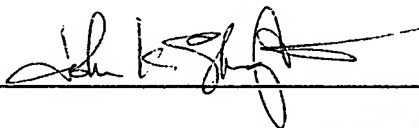
DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

John K. Slaughter

Inventor's signature



Date

11/25/03

Country of Citizenship U.S.

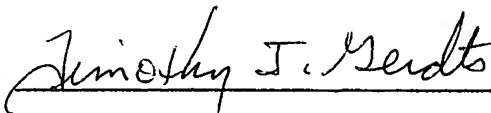
Residence

Clovis, California

Post Office Address 677 W. Los Altos
Clovis, CA 93612

Timothy J. Gerdtz

Inventor's signature



Date

11/25/03

Country of Citizenship U.S.

Residence

Kingsburg, California

Post Office Address 2571 - 20th Avenue
Kingsburg, CA 93631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John K. Slaughter and Timothy J. Gerdtz

Application No.: Not yet assigned

Filed on: Filed herewith

Title: Peach Tree, 'BURPEACHNINETEEN'

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))--INDEPENDENT INVENTOR**

As a below named inventor, I hereby state that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office, with regard to the invention described in the specification filed herewith, with title as listed above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person had made the invention, or to any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

Full Name:	The Burchell Nursery, Inc.
Address:	12000 Highway 120 Oakdale, CA 95361

SMALL BUSINESS CONCERN

2-166

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

John K. Slaughter



Signature of Inventor

Date 11/25/03

Timothy J. Gerds



Signature of Inventor

Date 11/25/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John K. Slaughter and Timothy J. Gerdtz

Application No.: Not yet assigned

Filed on: Filed herewith

Title: Peach Tree, 'BURPEACHNINETEEN'

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b))--SMALL BUSINESS CONCERN**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

The Burchell Nursery, Inc.
12000 Highway 120
Oakdale, CA 95361

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the specification filed herewith, with title as listed above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

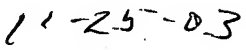
No such person, concern, or organization exists.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

William I. Burchell, President
The Burchell Nursery, Inc.
12000 Highway 120
Oakdale, CA 95361


Signature


Date